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5 **NOV - 8 2001**

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7 CLERK, U.S. DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9 BY _____
10 DEPUTY CLERK

11 **FILED**

12 **NOV 13 2001**

13 CLERK, U.S. DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 *BY [Signature] HUNTER PYLE*

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18 UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF CALIFORNIA

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21 ANDREW H. K. WONG,) CASE NO. CIV-S-96 965-LKK-GGH
22 Plaintiff,)
23 v.)
24 THE REGENTS OF THE UNIVERSITY OF)
25 CALIFORNIA,)
26 Defendant.)

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18 This matter came on regularly for trial on October 22, 2001. Hunter Pyle appeared on
19 behalf of plaintiff ANDREW WONG and Michael T. Lucey and Michael D. Bruno appeared on
20 behalf of defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

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27 At the hearing on defendant's Motion in Limine to Exclude Argument that Failure
28 to Accommodate Constitutes Evidence of Discrimination, plaintiff conceded that under existing
29 law a person who is not disabled within the meaning of the ADA and the Rehabilitation Act does
30 not have a right to 'reasonable accommodation.' Plaintiff further conceded that the basis of his
31 claim against defendant is defendant's refusal to grant him reasonable accommodation. If
32 precluded from introducing evidence regarding defendant's failure to grant him reasonable
33 accommodation, plaintiff lacks sufficient evidence to sustain his burden of proof on his claim

1 under the ADA and the Rehabilitation Act.

2 GOOD CAUSE APPEARING THEREFOR, judgment is hereby entered in favor
3 of Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA and against plaintiff
4 ANDREW WONG.

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6 Dated: November 9, 2001
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By ~~Lawrence K. Karlton~~
LAWRENCE K. KARLTON
UNITED STATES DISTRICT JUDGE

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mdk

United States District Court
for the
Eastern District of California
November 13, 2001

* * CERTIFICATE OF SERVICE * *

2:96-cv-00965

Wong

v.

Regents of the Univ

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on November 13, 2001, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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499 14th Street
Suite 220
Oakland, CA 94612

SJ/LKK

VC/GGH

Michael T Lucey
Gordon and Rees
Embarcadero Center West
275 Battery Street
Suite 2000
San Francisco, CA 94111

Jack L. Wagner, Clerk

BY: M. Wagner
Deputy Clerk